

**Chiesa
Shahinian &
Giantomasi** PC

MEMO ENDORSED

DANIEL D. BARNES
One Boland Drive
West Orange, NJ 07052
973.530.2097
Fax: 973.530.2297
dbarnes@csglaw.com

csglaw.com

June 9, 2017

Via E-filing and Email: chambersnysdseibel@nysd.uscourts.gov

The Honorable Cathy Seibel
United States District Court
for the Southern District of New York
The Hon. Charles L. Brieant Jr. Federal Building
and United States Courthouse
300 Quarropas Street
White Plains, New York 10601-4150

PLAINTIFF SHOULD STATE
ITS POSITION BY
JUNE 16, 2017.

Re: The Wave Studio, LLC v. General Hotel Management Ltd., et al
Case No. 7:13-cv-09239-CS-PED

The Wave Studio, LLC v. Groupon, Inc., Does 1-100
Case No. 7:17-cv-03589-CS

So Ordered.

Cathy Seibel

Cathy Seibel, U.S.D.J.

Dear Judge Seibel:

Dated: 6/9/17

This firm is counsel for Defendant General Hotel Management Ltd. ("GHM") in the case *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7:13-cv-09239-CS-PED (the "Primary GHM Action") and all cases consolidated therewith (collectively, the "GHM Actions").

As Your Honor may recall, the Primary GHM Action named over 50 additional defendants. On July 3, 2014, Your Honor issued an order staying the case as to all defendants except for GHM so that The Wave Studio, LLC ("Plaintiff") and GHM could litigate the threshold issue of Plaintiff's claims against GHM. Thereafter, Plaintiff filed eight nearly identical lawsuits in the Northern District of California, naming 21 additional defendants. Aside from one, all of those lawsuits were transferred to this Court and were consolidated with the Primary GHM Action. All of the additional defendants were also stayed pending a decision on the threshold issue. On March 10, 2017, Your Honor issued a decision on motions for summary judgment in the Primary GHM Action, dismissing GHM from the action on the grounds of *forum non conveniens*, severing the claims against GHM, and continuing the stay of all of Plaintiff's claims against all other defendants. Plaintiff has appealed that decision to the United States Court of Appeals for the Second Circuit.

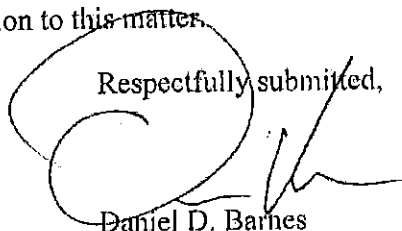
The Honorable Cathy Seibel
June 9, 2017
Page 2

We write to bring an issue to the Court's attention which the Court may wish to address. Specifically, on May 12, 2017, Plaintiff filed another complaint against Groupon, Inc., 7:17-cv-03589-CS (hereinafter the "Groupon Action") which is virtually identical to the GHM Actions consolidated with the GHM Primary Action. Attached hereto are (i) a copy of Plaintiff's Complaint in the Groupon Action; and (ii) a copy of Plaintiff's Related Case Statement in the Groupon Action. Thus, the Groupon Action is very similar to the actions that Plaintiff previously filed and which are currently stayed pending the resolution of either (i) Plaintiff's appeal; and/or (ii) Plaintiff's efforts to bring a copyright infringement action against GHM in Singapore. GHM believes that the appropriate course of action is for the Groupon Action to be consolidated with the Primary GHM Action and to be stayed.

Plaintiff's motivation for filing yet another complaint that relates to the same copyright registrations, hotel properties and photographs is unknown. While we understand that the Groupon Case is not consolidated with the GHM Case at this time and that GHM has been dismissed from the GHM Case, we nevertheless felt it necessary to bring this additional action to Your Honor's attention. We note that, to the extent Groupon moves for the Groupon Case to be consolidated with the GHM Case and/or for the Groupon Case to be stayed, GHM will likely support such motions.

We thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel D. Barnes", is written over the typed name. The signature is stylized with a large, looping initial "D".

Daniel D. Barnes

DDB:ajr

Cc: All counsel of record via ECF